

S.B. 282 (Effective immediately)  
S.B. 302 (Effective August 29, 1983)  
S.B. 316 (Effective August 29, 1983)  
S.B. 332 (Effective immediately)  
S.B. 333 (Effective immediately)  
S.B. 358 (Effective immediately)  
S.B. 421 (Effective immediately)  
S.B. 445 (Effective immediately)  
S.B. 467 (Effective immediately)  
S.B. 506 (Effective immediately)  
S.B. 531 (Effective August 29, 1983)  
S.B. 595 (Effective upon passage of S.J.R. 17)  
S.B. 658 (Effective immediately)  
S.B. 660 (Effective September 1, 1983)  
S.B. 664 (Effective immediately)  
S.B. 739 (Effective August 29, 1983)  
S.B. 989 (Effective September 1, 1983)  
S.B. 1095 (Effective August 29, 1983)  
H.B. 166 (Effective August 29, 1983)  
H.B. 600 (Effective immediately)  
H.B. 687 (Effective immediately)  
H.B. 691 (Effective September 1, 1983)  
H.B. 1214 (Effective September 1, 1983)

#### **SIXTY-FIRST DAY**

(Continued)

(Wednesday, May 4, 1983)

#### **AFTER RECESS**

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

#### **COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Santiesteban and by unanimous consent, the Senate at 10:02 o'clock a.m. resolved into a Committee of the Whole Senate with Senator Santiesteban presiding.

#### **IN LEGISLATIVE SESSION**

The President called the Senate to order as In Legislative Session at 10:26 o'clock a.m.

#### **ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 10:27 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

#### **SIXTY-SECOND DAY**

(Wednesday, May 4, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Grant Jones offered the invocation as follows:

Heavenly Father, we thank Thee for the blessings which Thou has given us. Help us as we reach our deliberations here today to make decisions that are pleasing in Thy sight. We ask for Christ's sake. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

S.B. 1323  
H.B. 1828  
H.B. 722  
H.B. 1958  
S.B. 1337  
S.B. 735  
S.B. 362  
H.B. 634  
C.S.S.B. 1304 (Read first time)  
C.S.S.B. 461 (Read first time)  
C.S.S.B. 915 (Read first time)

Senator Santiesteban submitted the following report for the Committee of the Whole Senate:

H.B. 1389  
S.B. 820 (Amended)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 564  
S.B. 668  
S.B. 742  
S.B. 689  
S.B. 629  
S.B. 1120  
S.B. 1083  
S.B. 1086  
C.S.H.B. 410 (Read first time)  
C.S.S.B. 1012 (Read first time)  
C.S.S.B. 65 (Read first time)  
C.S.S.B. 651 (Read first time)  
C.S.S.B. 627 (Read first time)  
C.S.S.B. 853 (Read first time)  
C.S.S.B. 898 (Read first time)

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 863  
H.B. 147 (Amended)  
S.B. 1158  
H.B. 1427  
H.B. 1487  
C.S.S.B. 921 (Read first time)  
C.S.S.B. 876 (Read first time)

Senator Blake submitted the following report for the Committee on Administration:

S.B. 1308  
C.S.S.R. 524 (Read first time)

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

H.B. 1229  
H.B. 1441  
H.B. 1440  
H.B. 15  
H.B. 672  
S.B. 1359  
S.B. 1335  
S.B. 1334  
S.B. 1312  
S.B. 1281  
S.B. 1242 (Amended)  
S.B. 591  
S.B. 673 (Amended)  
C.S.S.B. 929 (Read first time)  
C.S.S.B. 1215 (Read first time)  
C.S.S.B. 1167 (Read first time)  
C.S.S.B. 672 (Read first time)  
C.S.H.B. 2298 (Read first time)

Senator Howard submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the TEXAS HEALTH FACILITIES COMMISSION: Mrs. Dora Ann Gandy McDonald, Hays County.

To be a Member of the BOARD OF REGENTS, TEXAS WOMAN'S UNIVERSITY: Karl Rove, Harris County.

To be JUDGE, 52nd JUDICIAL DISTRICT, CORYELL COUNTY: Bobby Louis Cummings, Coryell County.

To be JUDGE, 130th JUDICIAL DISTRICT, MATAGORDA COUNTY: W. Jack Salyer, Matagorda County.

To be Members of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: Henry J. Boehm, Sr., Washington County; Bruce V. Campbell,

Jr., Knox County; R. E. (Gene) Chambers, Wichita County; Douglas A. Strain, Brazoria County; John M. Wehby, Williamson County; Walter Clifford Wiese, Jr., Robertson County; Glynn A. Williams, Brazos County.

### SENATE BILLS ON FIRST READING

On motion of Senator Parker and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

**S.B. 1375** by Parker Intergovernmental Relations  
Relating to the establishment and powers of a juvenile board in Chambers county.

**S.B. 1376** by Parker Education  
Relating to the incorporation, regulation, administration, funding, and dissolution of nonprofit education finance corporations created by cities and counties for the public purpose of promoting opportunities for education through providing loans to students and promoting and developing new, expanded, and improved educational facilities; prescribing the duties, powers, and privileges of the corporations and their sponsoring political entities; making certain provisions for tax exemptions; permitting higher education authorities to be converted into nonprofit higher education finance corporations.

**S.B. 1377** by Traeger Intergovernmental Relations  
Amending Article 974, Revised Civil Statutes of Texas, 1925, relating to the power and authority of certain cities and towns incorporated and operating under the general laws of this State to annex territory lying adjacent to said cities and towns and within the extraterritorial jurisdiction thereof; establishing annexation procedures and requirements; requiring the adoption of service plans and the provision of services to territory annexed pursuant to this act; and declaring an emergency.

**S.B. 1378** by Montford Natural Resources  
Relating to the terms of office and compensation for directors of the High Plains Underground Water Conservation District Number One.

**S.B. 1379** by Montford Intergovernmental Relations  
Relating to establishment of a juvenile board in Garza County.

**S.B. 1380** by Parmer, Caperton Natural Resources  
Relating to electric utility energy efficiency programs and incentives.

**S.B. 1381** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the Broussard Sewage District.

**S.B. 1382** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the Fannett Sewage District.

**S.B. 1383** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the Hillebrandt Sewage District.

**S.B. 1384** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the North Cheek Sewage District.

**S.B. 1385** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the South Cheek Sewage District.

**S.B. 1386** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the North LaBelle Sewage District.

**S.B. 1387** by Parker Natural Resources  
Relating to the creation, administration, powers, duties, and financing of the South LaBelle Sewage District.

**S.B. 1388** by Caperton Intergovernmental Relations  
Relating to a merger of a home-rule city's separately owned municipal and rural electric systems owned by cities; declaring the applicable law after any such merger; and providing an effective date; amending Chapter 535, Acts of the 51st Legislature, Regular Session, 1949 (Article 1110b, Vernon's Texas Civil Statutes).

#### HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

**H.C.R. 135**, To Committee on Administration.

#### BILLS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

**S.B. 606**  
**S.B. 500**  
**S.B. 454**  
**S.B. 368**  
**S.B. 320**  
**S.B. 168**

#### MESSAGE FROM THE HOUSE

House Chamber  
May 4, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 36**, Relating to a Uniform Statutory Court Act, the change of name of certain courts, and financing of statutory county courts.

**H.B. 79**, Relating to the frequency with which employers must pay wages.

**H.B. 98**, Relating to waiver of trial by a jury in a criminal case.

**H.B. 281**, Relating to determinations of equitable adoptions and inheritance rights.

**H.B. 651**, Relating to state loans to finance the purchase, installation, or repair of energy conservation devices and renewable energy systems for use in residences or to finance the purchase of residences having energy conservation devices.

**H.B. 658**, Relating to the creation of a restitution center program as an alternative to traditional methods of sentencing defendants.

**H.B. 1130**, Relating to supplemental appropriations to pay the additional cost of purchased utilities at certain institutions of higher education.

**H.B. 1438**, Relating to the removal of certain businesses from treatment as a consumer under the Deceptive Trade Practices-Consumer Protection Act.

**H.B. 1689**, Relating to the eligibility of certain students to be enrolled in the first grade in the public schools.

**H.B. 1995**, Relating to increasing benefits to annuitants of the Teacher Retirement System, establishing effective date, and authorizing an appropriation.

**H.J.R. 91**, Proposing a constitutional amendment to authorize fewer justice of the peace and constable precincts in certain counties.

**S.B. 262**, Relating to security interests and other liens in motorboats and outboard motors. (With amendment)

**C.S.S.B. 341**, Directing and authorizing the Board of Regents, Texas State University System, to replace and repair fire-damaged structures and sites at Sam Houston State University and appropriating funds for such projects. (With amendment)

**S.B. 442**, Relating to a supplemental appropriation to the Texas State Board of Public Accountancy.

**S.B. 466**, Relating to an appropriation to the Texas Board of Architectural Examiners to pay the increased costs of purchasing examinations.

**S.B. 469**, Making supplemental appropriations for the expenses of the Judiciary.

**S.B. 670**, Making supplemental appropriations to Texas A&M University and to the Texas Agricultural Experiment Station to replace property destroyed by fire.

**C.S.S.B. 727**, Relating to measures designed to reduce the prison population during periods of emergency overcrowding.

**S.C.R. 102**, Proclaiming Tuesday, May 3, 1983, as Big Brothers/Big Sisters of Texas Day.

The Conference Committee Report on **S.B. 98** adopted by record vote of 133 Ayes, 0 Nays, and 1 Present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE BILL 1100 WITH HOUSE AMENDMENT

Senator Doggett called **S.B. 1100** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
Committee Amendment No. 1 - Wright

Amend **S.B. 1100** by renumbering Section 2 to be Section 3 and adding a new Section 2 to read as follows:

"SECTION 2. Subsection (a) of Article 4566-1.15 is amended to read as follows:

(a) It is unlawful for any person to:

(1) buy, sell, or fraudulently obtain a license to fit and dispense hearing aids or aid or abet therein;

- (2) alter a license to fit and dispense hearing aids with the intent to defraud;
- (3) willfully make a false statement in an application to the Texas Board of Examiners of Fitters and Dispensers of Hearing Aids for a license, temporary training permit or for the renewal of a license;
- (4) falsely impersonate any person duly licensed as a fitter and dispenser of hearing aids under the provisions of this Act;
- (5) offer or hold himself out as authorized to fit and dispense hearing aids, or use in connection with his name any designation tending to imply that he is authorized to engage in the fitting and dispensing of hearing aids, if not so licensed under the provisions of this Act;
- (6) engage in the fitting and dispensing of hearing aids during the time his license shall be cancelled, suspended or revoked;
- (7) dispense or fit a hearing aid on any individual who has ordered such hearing aid or device by mail unless the person dispensing and fitting such hearing aid or device is licensed under this act.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

### SENATE BILL 283 WITH HOUSE AMENDMENTS

Senator Santiesteban called S.B. 283 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - T. Smith

Substitute the following for S.B. 283:

#### A BILL TO BE ENTITLED AN ACT

relating to the effect of the value of property or service stolen, damaged, or destroyed on the penalty imposed for theft, theft of service, or criminal mischief.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.03(b), Penal Code, is amended to read as follows:

(b) An offense under this section is:

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$50 [~~\$5~~];

or

(B) except as provided in Subdivision (4)(B) of this subsection, it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$50 [~~\$5~~] or more but less than \$200 [~~\$20~~];

(3) a Class A misdemeanor if the amount of pecuniary loss is \$200 [~~\$20~~] or more but less than \$500 [~~\$200~~];

(4) a felony of the third degree if:

(A) the amount of pecuniary loss is \$500 [~~\$200~~] or more but less than \$20,000 [~~\$10,000~~];

(B) regardless of the amount of pecuniary loss, the actor causes in whole or in part impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service, or diverts, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for such purpose, any public communications, public water, gas, or power supply;

(C) regardless of the amount of pecuniary loss, the property is one or more head of cattle, horses, sheep, swine, or goats;

(D) regardless of the amount of pecuniary loss, the property was a fence used for the production of cattle, horses, sheep, swine, or goats; or

(E) regardless of the amount of pecuniary loss, the damage or destruction was inflicted by branding one or more head of cattle, horses, sheep, swine, or goats.

(5) a felony of the second degree if the amount of the pecuniary loss is \$20,000 [~~\$10,000~~] or more.

SECTION 2. Section 28.06(d), Penal Code, is amended to read as follows:

(d) If the amount of pecuniary loss cannot be ascertained by the criteria set forth in Subsections (a) through (c) of this section, the amount of loss is deemed to be greater than \$200 [~~\$20~~] but less than \$500 [~~\$200~~].

SECTION 3. Section 31.03(d), Penal Code, is amended to read as follows:

(d) An offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than \$50 [~~\$5~~];

(2) a Class B misdemeanor if:

(A) the value of the property stolen is \$50 [~~\$5~~] or more but less than \$200 [~~\$20~~]; or

(B) the value of the property stolen is less than \$50 [~~\$5~~] and the defendant has previously been convicted of any grade of theft;

(3) a Class A misdemeanor if the value of the property stolen is \$200 [~~\$20~~] or more but less than \$500 [~~\$200~~];

(4) a felony of the third degree if:

(A) the value of the property stolen is \$500 [~~\$200~~] or more but less than \$20,000 [~~\$10,000~~], or the property is one or more head of cattle, horses, sheep, swine, or goats or any part thereof under the value of \$20,000 [~~\$10,000~~];

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave; or

(C) the value of the property stolen is less than \$500 [~~\$200~~] and the defendant has been previously convicted two or more times of any grade of theft; or

(5) a felony of the second degree if:

(A) regardless of the value, the property is combustible hydrocarbon natural or synthetic natural gas, crude petroleum oil, or equipment designed for use in exploration for or production of natural gas or crude petroleum oil;

(B) the value of the property stolen is \$20,000 [~~\$10,000~~] or more; or

(C) regardless of the value, the property was unlawfully appropriated or attempted to be unlawfully appropriated by threat to commit a felony offense against the person or property of the person threatened or another or to withhold information about the location or purported location of a bomb, poison, or other harmful object that threatens to harm the person or property of the person threatened or another person.

SECTION 4. Section 31.04(e), Penal Code, is amended to read as follows:

(e) An offense under this section is:

(1) a Class C misdemeanor if the value of the service stolen is less than \$50 [~~\$5~~];

(2) a Class B misdemeanor if the value of the service stolen is \$50 [~~\$5~~] or more but less than \$200 [~~\$20~~];



(3) a Class A misdemeanor if the value of the service stolen is \$200 [\$20] or more but less than \$500 [\$200];

(4) a felony of the third degree if the value of the service stolen is \$500 [\$200] or more but less than \$20,000 [\$10,000];

(5) a felony of the second degree if the value of the service stolen is \$20,000 [\$10,000] or more.

SECTION 5. Section 31.08(c), Penal Code, is amended to read as follows:

(c) If property or service has value that cannot be reasonably ascertained by the criteria set forth in Subsections (a) and (b) of this section, the property or service is deemed to have a value of more than \$200 [\$20] but less than \$500 [\$200].

SECTION 6. (a) The change in law made by this Act applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 7. This Act takes effect September 1, 1983.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 1 - T. Smith

Amend C.S.S.B. 283 as follows:

1. On page 1, line 11, strike the figure \$50 and substitute the figure \$20
2. On page 1, line 15, strike the figure \$50 and substitute the figure \$20
3. On page 2, line 25, strike the figure \$50 and substitute the figure \$20
4. On page 2, line 27, strike the figure \$50 and substitute the figure \$20
5. On page 3, line 3, strike the figure \$50 and substitute the figure \$20
6. On page 4, line 8, strike the figure \$50 and substitute the figure \$20
7. On page 4, line 10, strike the figure \$50 and substitute the figure \$20

The amendments were read.

Senator Santiesteban moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on S.B. 283 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Santiesteban, Chairman; Washington, Lyon, Uribe and Vale.

#### SENATE BILL 281 WITH HOUSE AMENDMENT

Senator Santiesteban called S.B. 281 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.  
Committee Amendment No. 1 - T. Hall  
Substitute the following for S.B. 281:

**A BILL TO BE ENTITLED  
AN ACT**

making a supplemental appropriation to the Board of Pardons and Paroles for certain expenses associated with relocating to different office space to alleviate current overcrowded conditions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. In addition to sums previously appropriated, the sum of \$218,000 is appropriated to the Board of Pardons and Paroles from the General Revenue Fund for the period ending August 31, 1983, for the following purposes:

- (1) \$93,000 to lease office space at a new location from June 1, 1983, through August 31, 1983, in order to alleviate current overcrowded conditions;
- (2) \$90,000 to procure and install a telephone system at the offices's new location; and
- (3) \$35,000 for relocation expenses.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent: Whitmire.

**NOTICE OF CONSIDERATION OF EXECUTIVE NOMINATIONS**

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration Executive nominations to agencies, boards and commissions of the State.

**COMMITTEE SUBSTITUTE SENATE BILL 325 ON THIRD READING**

Senator Truan moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 325**, Relating to allocation of certain cigarette tax revenue to and the use of the local parks, recreation, and open space fund.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Brooks, Brown, Doggett, Edwards, Henderson, Kothmann, Lyon, Mauzy, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, Parker.

Absent: Sarpalius.

The bill was read third time and was finally passed.

**RECORD OF VOTE**

Senator Jones asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE BILL 483 ON THIRD READING**

Senator Traeger moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**S.B. 483**, Relating to the application of the Health Facilities Development Act to nursing homes organized for profit.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Blake, Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Kothmann, McFarland, Montford, Parker, Parmer, Sharp, Sims, Traeger, Truan, Vale, Washington, Whitmire, Williams.

Nays: Caperton, Doggett, Farabee, Howard, Jones, Leedom, Lyon, Mauzy, Santiesteban.

Absent: Sarpalius, Uribe.

The bill was read third time and was finally passed by the following vote: Yeas 20, Nays 10.

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Kothmann, Montford, Parker, Parmer, Sarpalius, Sharp, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Doggett, Farabee, Henderson, Howard, Jones, Leedom, Lyon, Mauzy, Santiesteban, Sims.

Absent: McFarland.

**COMMITTEE SUBSTITUTE SENATE BILL 1026 ON THIRD READING**

Senator Sharp moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 1026**, Relating to maintenance of the ecological health and defined historic levels of productivity of the bays and estuaries under permits to store, take, or divert water.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Kothmann.

Absent: McFarland, Parker, Uribe.

The bill was read third time.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 1

Amend committee printing of **S.B. 1026** on page 1, line 26, by inserting between "practicable" and "that": "as determined by the Texas Water Commission".

The amendment was read and was adopted by unanimous consent.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 30, Nays 1.

Nays: Kothmann.

### SENATE BILL 722 ON SECOND READING

Senator Parker moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 722**, Relating to toilet and drinking water facilities in locomotives and cabooses; providing a penalty.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Glasgow, Kothmann, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Brown, Farabee, Harris, Henderson, Howard, Jones, Leedom, McFarland, Sims, Traeger.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend **S.B. 722** by striking all below the enacting clause and substituting the following:

##### SECTION 1. DEFINITIONS. In this Act:

(1) "Sanitary condition" means a condition of good order and cleanliness that precludes the probability of disease transmission.

(2) "Duty point" means a location along a line of railway at which a railroad crew comes on or goes off paid duty.

**SECTION 2. DUTIES OF RAILROAD CORPORATION.** (a) A railroad corporation that operates a line of railway in this state shall:

(1) equip each engine and caboose that is used for the transportation and occupation of railroad crewmen with a drinking water facility;

(2) retain a toilet facility on any engine or caboose that is equipped with such a facility; and

(3) ensure that any toilet facilities and the drinking facilities are in a working and sanitary condition before the engine or caboose leaves any duty point en route to an intermediate or final destination.

(b) This Act does not require a railroad corporation to equip any engine or caboose with a toilet facility.

**SECTION 3. PRIVACY.** Each toilet facility must be enclosed in a manner that provides privacy to a person using the facility.

**SECTION 4. PENALTY.** (a) A railroad corporation commits an offense if it permits either an engine or a caboose that is occupied by a railroad crewman to leave a duty point without ensuring that the facilities required by this Act are in a working and sanitary condition.

(b) A railroad corporation commits an offense if it requires a railroad employee to perform duties on an engine or caboose that does not have the facilities required by this Act in a working and sanitary condition before the engine or caboose leaves any duty point en route to an intermediate or final destination.

(c) An offense under this section is a Class B misdemeanor.

**SECTION 5. EFFECTIVE DATE.** This Act takes effect September 1, 1983, except Section 3, which takes effect September 1, 1984.

**SECTION 6. EMERGENCY.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an

imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Glasgow offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend S.B. 722 by substituting "An offense under this Act is a Class A misdemeanor" at line 21 to read as follows:

"An offense under this act is a Class C misdemeanor"

The amendment to Floor Amendment No. 1 was read and was adopted.

Question recurring on the adoption of Floor Amendment No. 1 as amended, Floor Amendment No. 1 as amended was adopted.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### MOTION TO PLACE SENATE BILL 722 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 722 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 21, Nays 10. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brooks, Caperton, Doggett, Edwards, Glasgow, Kothmann, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brown, Farabee, Harris, Henderson, Howard, Jones, Leedom, Sims, Traeger, Washington.

#### MESSAGE FROM THE HOUSE

House Chamber  
May 4, 1983

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S.B. 1112. House conferees: Saunders, Chairman; Armbrister, Salinas, Price, Gandy.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 399 ON SECOND READING**

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 399**, Relating to the authority of commissioners courts to set the amounts of certain fees in counties having a population in excess of 1,500,000, but excluding any county with a city of more than 1,000,000 population.

The motion was lost by the following vote: Yeas 12, Nays 17, Present-not voting 1.

Yeas: Brown, Doggett, Harris, Henderson, Howard, Leedom, Lyon, McFarland, Montford, Santiesteban, Traeger, Whitmire.

Nays: Blake, Brooks, Caperton, Edwards, Farabee, Glasgow, Jones, Kothmann, Parker, Parmer, Sarpalius, Sharp, Sims, Truan, Vale, Washington, Williams.

Present-not voting: Mauzy.

Absent: Uribe.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 4, 1983

**HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE**

**SIR:** I am directed by the House to inform the Senate that the House has passed the following:

**S.B. 36**, Relating to interest rates on judgments and the period for which judgments earn interest; placing certain responsibilities on the consumer credit commissioner. (With amendment)

**S.B. 67**, Relating to the filing of an application for a place on the ballot by a candidate for the office of precinct chairman and prohibiting reimbursement of certain expenses incurred by early filing.

**S.B. 108**, Relating to the offer for sale, delivery, or display of certain abusable glues or aerosol paints.

**C.S.S.B. 122**, Relating to the declination of a political party's nomination.

**C.S.S.B. 234**, Relating to the regulation of persons engaged in the business of designing, selling, installing, maintaining, or servicing fire protection sprinkler systems. (With Amendment)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**COMMITTEE SUBSTITUTE HOUSE BILL 593 ON SECOND READING**

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 593**, Relating to the administration, powers, duties, and continuation of the Railroad Commission of Texas; providing penalties.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 593 by striking Sec. 5b (a) of Sec. 12 of H.B. 593 and inserting in lieu thereof the following:

Sec. 5b (a) A person transporting eligible agricultural commodities for compensation or hire, for the original producer or grower, or producers' or growers' cooperative association, between any point of production, processing, or storage, or from any point of production, processing or storage to any point of first manufacture, is not required to obtain a certificate of public convenience and necessity from the Commission or to comply with tariffs or orders of the Commission governing rates and charges to be offered, demanded or received for such service if the person holds an agricultural permit issued by the Commission.

(1) The Commission shall, by regulation or as a contested matter properly before the Commission in an enforcement proceeding, define the terms "agricultural commodities," "point of production," "point of processing," "point of storage," and "point of first manufacture." These terms shall include, in addition to such other commodities or points as the Commission shall designate:

- (A) Agricultural commodities: cotton, livestock, grain, fresh fruits and fresh vegetables.
- (B) Point of production: farms and ranches at which the agricultural commodities were grown.
- (C) Point of processing: cotton gins, dryers, and animal auction barns.
- (D) Point of storage: grain and rice elevators, compresses, and warehouses.

(2) The holder of an agricultural permit shall comply with all Commission regulations concerning safety, insurance, and otherwise, except to the extent such regulations are made expressly inapplicable herein. The holder shall be subject to administrative and other sanctions for failure to comply with applicable laws and regulations to the same extent as other motor carriers.

(3) The Commission shall, in implementing the provisions of this sub-section, take into consideration its powers and duties to administer and enforce the Motor Carrier Act, and shall prescribe such regulations for operations under authority of agricultural permits as the Commission deems necessary in the interest of the shipping and receiving public, provided that rulemaking authority granted under this paragraph shall be used to accomplish the overall purpose of this sub-section. (A person transporting eligible agricultural commodities in their natural state for compensation or hire is not required to obtain a certificate of convenience and necessity if he holds a seasonal agricultural license issued by the Commission. A person holding a seasonal agricultural license may transport eligible agricultural commodities only for the place where the commodities are produced and harvested to the first processor. A holder of a seasonal agricultural license may also transport cotton and cottonseed from a cotton gin to the next processor or point of storage. This transportation may not exceed a distance of seventy five (75) miles, and must be in intrastate commerce. Agricultural commodities in their natural state include these commodities produced and harvested on a farm which must be transported to storage or first processor, but do not include the manufactured products of agricultural commodities, nor do they include livestock, milk, wool, mohair, or timber in its natural state.)

The amendment was read.

Senator Lyon offered the following amendment to Floor Amendment No. 1:  
Floor Amendment No. 2

Amend the pending amendment No. 1 by Howard as follows:

Amend Sec. 5b(a) by striking the words “for the original producer or grower or producers’ or growers’ cooperatives associations,” following the words “... or hire.”

The amendment to Floor Amendment No. 1 was read.

(President Pro Tempore Jones in Chair)

On motion of Senator Howard, the amendment to Floor Amendment No. 1 was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Brown, Caperton, Doggett, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Brooks, Edwards, Farabee, Glasgow, Lyon, Sarpalius, Sharp, Sims, Traeger, Washington.

Senator Sarpalius offered the following amendment to Floor Amendment No. 1:  
Floor Amendment No. 3

Amend C.S.H.B. 593 by striking Sec. 5b (a) of Sec. 12 of H.B. 593 and inserting in lieu thereof the following:

Sec. 5b (a) A person transporting eligible agricultural commodities for compensation or hire, for or from the original producer or grower, or producers’ or growers’ cooperative association, until it reaches any point of first manufacture including movements between any point of production, processing, or storage, or from any point of production, processing or storage is not required to obtain a certificate of public convenience and necessity from the Commission or to comply with tariffs or orders of the Commission governing rates and charges to be offered, demanded or received for such service if the person holds an agricultural permit issued by the Commission.

(1) The Commission shall, by regulation or as a contested matter properly before the Commission in an enforcement proceeding, define the terms “agricultural commodities,” “point of production,” “point of processing,” “point of storage,” and “point of first manufacture.” These terms shall include, in addition to such other commodities or points as the Commission shall designate:

- (A) Agricultural commodities: cotton, livestock, grain, fresh fruits and fresh vegetables.
- (B) Point of production: farms and ranches at which the agricultural commodities were grown.
- (C) Point of processing: rice mills, cotton gins, dryers, and animal auction barns.
- (D) Point of storage: grain and rice elevators, compresses, and warehouses.

(2) The holder of an agricultural permit shall comply with all Commission regulations concerning safety, insurance, and otherwise, except to the extent such regulations are made expressly inapplicable herein. The holder shall be subject to administrative and other sanctions for failure to comply with applicable laws and regulations to the same extent as other motor carriers.



(3) The Commission shall, in implementing the provisions of this sub-section, take into consideration its powers and duties to administer and enforce the Motor Carrier Act, and shall prescribe such regulations for operations under authority of agricultural permits as the Commission deems necessary in the interest of the shipping and receiving public, provided that rulemaking authority granted under this paragraph shall be used to accomplish the overall purpose of this sub-section. (A person transporting eligible agricultural commodities in their natural state for compensation or hire is not required to obtain a certificate of convenience and necessity if he holds a seasonal agricultural license issued by the Commission. A person holding a seasonal agricultural license may transport eligible agricultural commodities only for the place where the commodities are produced and harvested to the first processor. A holder of a seasonal agricultural license may also transport cotton and cottonseed from a cotton gin to the next processor or point of storage. This transportation may not exceed a distance of seventy five (75) miles, and must be in intrastate commerce. Agricultural commodities in their natural state include these commodities produced and harvested on a farm which must be transported to storage or first processor, but do not include the manufactured products of agricultural commodities, nor do they include livestock, milk, wool, mohair, or timber in its natural state.)

The amendment to Floor Amendment No. 1 was read.

Senator Doggett offered the following amendment to Floor Amendment No. 3:

Floor Amendment No. 4

Amend Floor Amendment No. 3, an amendment to Floor Amendment No. 1 to **C.S.H.B. 593** by striking subsection (2) of Sec. 5b (a) and substituting in lieu thereof the following:

(2) The holder of an agriculture permit shall only transport agriculture commodities produced by a person that is a subscriber to the Texas Workers' Compensation Act and shall comply with all Commission regulations concerning safety, insurance, and otherwise, except to the extent such regulations are made expressly inapplicable herein. The holder shall be subject to administrative and other sanctions for failure to comply with applicable laws and regulations to the same extent as other motor carriers.

The amendment to Floor Amendment No. 3 was read.

#### POINT OF ORDER

Senator Sarpalius raises a Point of Order against further consideration of Floor Amendment No. 4, on the grounds that it was not germane to the amendment it was to amend.

The Presiding Officer (Senator Jones in the Chair) sustained the Point of Order.

Question recurring on the adoption of Floor Amendment No. 3, on motion of Senator Howard, Floor Amendment No. 3 was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Brooks, Brown, Caperton, Doggett, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Edwards, Farabee, Lyon, Montford, Sarpalius, Sharp, Sims, Traeger, Washington.

(Senator Brooks in Chair)

Senator Sims offered the following amendment to Floor Amendment No. 1:  
Floor Amendment No. 5

Amend Floor Amendment No. 1 to C.S.H.B. 593 by striking Sec. 5b (a) of Sec. 12 of H.B. 593 and inserting in lieu thereof the following:

Sec. 5b (a) A person transporting eligible agricultural commodities for compensation or hire, for the original producer or grower, or producers' or growers' cooperative association, between any point of production, processing, or storage, or from any point of production, processing or storage to any point of first manufacture, or transporting livestock to or from auction barns or feedlots, whether for the original producer or grower or producers' or growers' cooperative association or otherwise, is not required to obtain a certificate of public convenience and necessity from the Commission or to comply with tariffs or orders of the Commission governing rates and charges to be offered, demanded or received for such service if the person holds an agricultural permit issued by the Commission.

(1) The Commission shall, by regulation or as a contested matter properly before the Commission in an enforcement proceeding, define the terms "agricultural commodities," "point of production," "point of processing," "point of storage," and "point of first manufacture." These terms shall include, in addition to such other commodities or points as the Commission shall designate:

- (A) Agricultural commodities: cotton and livestock.
- (B) Point of production: farms and ranches at which the agricultural commodities were grown.
- (C) Point of processing: cotton gins, dryers, and animal auction barns.
- (D) Point of storage: grain and rice elevators, compresses, and warehouses.

(2) The holder of an agricultural permit shall comply with all Commission regulations concerning safety, insurance, and otherwise, except to the extent such regulations are made expressly inapplicable herein. The holder shall be subject to administrative and other sanctions for failure to comply with applicable laws and regulations to the same extent as other motor carriers.

(3) The Commission shall, in implementing the provisions of this sub-section, take into consideration its powers and duties otherwise to administer and enforce the Motor Carrier Act, and shall prescribe such regulations for operations under agricultural permits as the Commission deems necessary in the interest of the shipping and receiving public, provided that rulemaking authority granted under this paragraph shall be used to accomplish the overall purpose of this sub-section. [A person transporting eligible agricultural commodities in their natural state for compensation or hire is not required to obtain a certificate of convenience and necessity if he holds a seasonal agricultural license issued by the Commission. A person holding a seasonal agricultural license may transport eligible agricultural commodities only for the place where the commodities are produced and harvested to the first processor. A holder of a seasonal agricultural license may also transport cotton and cottonseed from a cotton gin to the next processor or point of storage. This transportation may not exceed a distance of seventy five (75) miles, and must be in intrastate commerce. Agricultural commodities in their natural state include these commodities produced and harvested on a farm which must be transported to storage or a first processor, but do not include the manufactured products of agricultural commodities, nor do they include livestock, milk, wool, mohair, or timber in its natural state.]

The amendment to Floor Amendment No. 1 was read.

(President in Chair)

On motion of Senator Howard, the amendment to Floor Amendment No. 1 was tabled by the following vote: Yeas 22, Nays 9.

Yeas: Brooks, Brown, Caperton, Doggett, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Edwards, Farabee, Glasgow, Lyon, Sarpalius, Sharp, Sims, Traeger.

Question recurring on the adoption of Floor Amendment No. 1, Floor Amendment No. 1 was adopted by the following vote: Yeas 19, Nays 12.

Yeas: Brooks, Brown, Caperton, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Parker, Parmer, Santiesteban, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Doggett, Edwards, Farabee, Glasgow, Lyon, Montford, Sarpalius, Sharp, Sims, Traeger, Washington.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.H.B. 593 as follows: on page 10, line 57, insert between "carriers" and the period "and to effectuate an easing of entry into regulated transportation".

The amendment was read.

On motion of Senator Howard, the amendment was tabled by the following vote: Yeas 23, Nays 7.

Yeas: Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Blake, Doggett, Farabee, Henderson, Mauzy, Sarpalius, Washington.

Absent: Parker.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.H.B. 593 on page 9, between line 42 and 43 by adding a new Section 13, preserving the current Section 13 as Section 14, and renumbering all subsequent sections. The new Section 13 shall read as follows:

SECTION 13. Subsection a(1), Section 1, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes) is amended by adding subsection (g) to read as follows:

(g) Any person transporting coin, currency, securities and other articles of high intrinsic value in armored vehicles with armed guards.

The amendment was read.

On motion of Senator Howard, the amendment was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Vale, Williams.

Nays: Blake, Doggett, Leedom, Mauzy, Sarpalius, Truan, Washington, Whitmire.

Absent: Uribe.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.H.B. 593 on page 9, between lines 42 and 43 by adding a new Section 13, preserving the current Section 13 as Section 14, and renumbering all subsequent sections. The new Section 13 shall read as follows:

SECTION 13. Section 6, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, Vernon's Texas Civil Statutes) is amended by adding Subsection (g) to read as follows:

(g) Currency, coin, securities and other articles of high intrinsic value transported in armored vehicles with armed guards may be transported in contract carriage, in which event the provisions of Section 6-aa shall not apply, nor shall the granting of an application to transport currency, coin, securities and other articles of high intrinsic value pursuant to the provisions of Section 6c be deemed to impair the efficient public service of any authorized common carrier or specialized motor carrier transporting currency, coin, securities and other articles of high intrinsic value.

The amendment was read.

Senator Howard moved to table the amendment.

On motion of Senator Washington, the amendment was withdrawn.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.H.B. 593 by adding a new section 19 to read as follows on p. 13, retaining the existing section 19 as section 20, and renumbering subsequent sections:

SECTION 19. Amend Chapter 314, Act of the 41st Legislature, Regular Session, 1929 (Article 911b, V.T.C.S.), as amended, by adding the following new language:

"Section 24. Intercompany Hauling. Any person having a regular, separate, fixed, and established place of business who operates motor vehicles used for private carriage may transport property for affiliated corporations that are 100% wholly owned subsidiaries or parent (as "parent" is defined in Section 5.16 of the Texas Business and Commerce Code) corporations for compensation without becoming a motor carrier and without a certificate or permit from the Commission; provided, however, that only property which is produced, manufactured, or distributed by such subsidiary or parent as part of such entity's primary business may be transported under the provisions of this Act."

The amendment was read.

On motion of Senator Howard, the amendment was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Brooks, Brown, Doggett, Edwards, Glasgow, Harris, Henderson, Howard, Kothmann, Lyon, Montford, Santiesteban, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Nays: Blake, Caperton, Farabee, Jones, Leedom, Mauzy, McFarland, Parker, Parmer, Sarpalius, Truan.

Senator Caperton offered the following amendment to the bill:

## Floor Amendment No. 10

Amend the C.S.H.B. 593 by deleting Section 16A and adding Section 9.07.

SECTION 9.07. (a) The independent Office of Public Utility Counsel is hereby established to represent the interests of residential and small commercial consumers.

(b) The chief executive of the Office of Public Utility Counsel is the public utility counsel, hereinafter referred to as counsellor. The counsellor is appointed by the governor with the advice and consent of the senate to a two-year term that expires on February 1 of the final year of the term.

(c) The counsellor shall employ such lawyers, economists, engineers, consultants, statisticians, accountants, clerical staff, and other employees as he or she deems necessary to carry out the provisions of this section. All employees shall receive such compensation as is fixed by the legislature from the assessment imposed by Section 78 of the Public Utility Regulatory Act.

(d) The counsellor shall be a resident of Texas and admitted to the practice of law in this state who has demonstrated a strong commitment and involvement in efforts to safeguard the rights of the public and possesses the knowledge and experience necessary to practice effectively in utility proceedings.

(e) During the period of the counsellor's employment and for a period of one year following the termination of employment, it shall be unlawful for any person employed as counsellor to have a direct or indirect interest in any utility company regulated under the Gas Utility Regulatory Act to provide legal services directly or indirectly to or be employed in any capacity by a utility company regulated under the Gas Utility Regulatory Act, its parent, or its subsidiary companies, corporations, or cooperatives; but such person may otherwise engage in the private practice of law after the termination of employment as the counsellor.

(f) The Office of Public Utility Counsel:

(1) shall assess the impact of utility rate changes on residential consumers in the State of Texas and shall be an advocate in its own name of positions most advantageous to a substantial number of such consumers as determined by the counsellor;

(2) may appear or intervene as a matter of right as a party or otherwise on behalf of residential consumers, as a class, in all proceedings before the railroad commission;

(3) may appear or intervene as a matter of right as a party or otherwise on behalf of small commercial consumers, as a class, in all rate proceedings where it is deemed by the counsel that small commercial consumers are in need of representation.

(4) may initiate or intervene as a matter of right or otherwise appear in any judicial proceedings involving or arising out of any action taken by an administrative agency in a proceeding in which the counsel was authorized to appear;

(5) may have access as any party, other than staff, to all records gathered by the railroad commission under the authority of Subsection (a) of Section 4.03 of the Gas Utility Regulatory Act;

(6) may obtain discovery of any nonprivileged matter which is relevant to the subject matter involved in any proceedings or petition before the commission;

(7) may represent individual residential and small commercial consumers with respect to their disputed complaints concerning utility services unresolved before the railroad commission; and

(8) may recommend legislation to the legislature which in its judgment would positively affect the interests of residential and small commercial consumers.

(g) Nothing in this section shall be construed as in any way limiting the authority of the railroad commission to represent residential or small commercial consumers.

(h) The appearance of the Public Counsel in any proceeding in no way precludes the appearance of other parties on behalf of residential ratepayers or small commercial consumers. The Public Counsel shall not be grouped with any other parties.

The amendment was read.

Senator Parker offered the following amendment to the Floor Amendment No. 10:

Floor Amendment No. 11

Amend Floor Amendment No. 10 by striking Section 9.07 (f) (1), (2) and (3) and substituting in lieu thereof the following and renumbering the remaining subsections:

(f) The Office of Public Utility Counsel:

(1) may appear or intervene as a party or otherwise representing residential consumers as a class in appeals to the railroad commission only at the written request of an affected municipality's governing body, in which case it will represent the residential consumers of requesting municipalities as a class.

The amendment to Floor Amendment No. 10 was read.

Senator Caperton moved to table the amendment to Floor Amendment No. 10.

The motion was lost by the following vote: Yeas 11, Nays 20.

Yeas: Blake, Caperton, Doggett, Farabee, Mauzy, McFarland, Parmer, Santiesteban, Sarpalius, Truan, Washington.

Nays: Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Montford, Parker, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Question recurring on adoption of the amendment to Floor Amendment No. 10, the amendment to Floor Amendment No. 10 was adopted.

#### RECORD OF VOTES

Senators Parmer and Washington asked to be recorded as voting "Nay" on the adoption of the amendment to Floor Amendment No. 10.

Question - Shall Floor Amendment No. 10 as amended be adopted?

#### AT EASE

The President at 1:15 o'clock p.m. announced the Senate would stand At Ease Subject to the Call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 1:18 o'clock p.m. called the Senate to order as In Legislative Session.

#### COMMITTEE SUBSTITUTE HOUSE BILL 593 ON SECOND READING

The Senate resumed consideration of the pending business, the same being C.S.H.B. 593 on its second reading and passage to third reading.

Question - Shall Floor Amendment No. 10 as amended be adopted?

Senator Howard offered the following amendment to the Floor Amendment No. 10 as amended:

Floor Amendment No. 12

Amend Floor Amendment No. 10 to **C.S.H.B. 593** on page 32, line 10 by striking subsection (4) and inserting in lieu thereof the following:

(4) may initiate or intervene as a matter of right or otherwise appear in any judicial proceedings involving or arising out of any action taken by the Railroad Commission in a proceeding in which the counsel was a party;

The amendment to Floor Amendment No. 10 as amended was read and was adopted.

Question recurring on the adoption of Floor Amendment No. 10 as amended, Floor Amendment No. 10 as amended was adopted.

Senator Caperton offered the following amendment to the bill:

Floor Amendment No. 13

Amend **C.S.H.B. 593**, page 26, by adding the following:

Section 9.07. The Gas Utility Regulatory Act shall be transferred to the Public Utility Regulatory Act (Article 1446C, Vernon's Texas Statutes) by September 1, 1987.

The amendment was read.

On motion of Senator Howard, the amendment was tabled by the following vote: Yeas 21, Nays 10.

Yeas: Blake, Brown, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Whitmire, Williams.

Nays: Brooks, Caperton, Doggett, Edwards, Lyon, Mauzy, Parker, Parmer, Truan, Washington.

Senator Glasgow offered the following amendment to the bill:

Floor Amendment No. 14

Amend **C.S.H.B. 593** by striking Subsection (b) page 2, line 32 in its entirety and relettering subsequent subsections.

The amendment was read and was adopted.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 15

Amend **C.S.H.B. 593** by striking "and" on line 51, page 14; "are not included" on line 52, page 14; "unless the transporter, deliverer, or seller also distributes gas within the limits of a municipality or delivers gas to the boundary of a municipality for resale in the municipality" on lines 54 through 57, page 14; "unless the person also distributes gas within the limits of a municipality or delivers gas to the boundary of a municipality for resale in the municipality" on lines 51-53, page 86; and Section 30(a) and 30(b), lines 6 through 16, page 33.

The amendment was read.

Senator Sarpalius moved to table the amendment.

The motion was lost by the following vote: Yeas 13, Nays 18.

Yeas: Brooks, Caperton, Doggett, Edwards, Farabee, Glasgow, Leedom, Montford, Parmer, Sarpalius, Washington, Whitmire, Williams.

Nays: Blake, Brown, Harris, Henderson, Howard, Jones, Kothmann, Lyon, Mauzy, McFarland, Parker, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Vale.

Question recurring on adoption of the amendment, the amendment was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 16

Amend Section 7 of C.S.H.B. 593 Section 113.082 (E) retail and wholesale dealers: by substituting "an amount not to exceed \$750.00" for "an amount not to exceed \$1,000" to read as follows: (line 12) "an amount not to exceed \$750.00"

The amendment was read and was adopted.

Senator Brooks offered the following amendment to the bill:

Floor Amendment No. 17

Amend Subsection (3) of Section 14 of C.S.H.B. 593 as follows:

1. Strike the phrase "or its suburb" where it appears on lines 17 and 18 on page 10.
2. Strike the sentence appearing on lines 20, 21 and 22 on page 10.

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE HOUSE BILL 593 ON THIRD READING**

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 593 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 23, Nays 8. (Not receiving four-fifths vote of the Members present)

Yeas: Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Santiesteban, Sharp, Sims, Traeger, Whitmire, Williams.

Nays: Doggett, Mauzy, Parmer, Sarpalius, Truan, Uribe, Vale, Washington.

**MOTION TO RECONSIDER  
VOTE BY WHICH COMMITTEE SUBSTITUTE HOUSE  
BILL 593 WAS PASSED TO THIRD READING**

Senator Uribe moved to reconsider the vote by which C.S.H.B. 593 was passed to third reading.

The motion was lost by the following vote: Yeas 12, Nays 18.

Yeas: Brooks, Doggett, Edwards, Lyon, Mauzy, Parmer, Santiesteban, Sarpalius, Truan, Uribe, Vale, Washington.



Nays: Blake, Brown, Caperton, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, McFarland, Montford, Parker, Sharp, Sims, Traeger, Whitmire, Williams.

Absent: Glasgow.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills at 3:15 o'clock:

**H.B. 1345**  
**S.B. 1381**  
**S.B. 1382**  
**S.B. 1383**  
**S.B. 1384**  
**S.B. 1385**  
**S.B. 1386**  
**S.B. 1387**

#### **BILL ADDED TO LOCAL AND UNCONTESTED BILLS CALENDAR**

On motion of Senator Blake and by unanimous consent, **S.B. 461** was added to the list of bills to be considered tomorrow on the Local and Uncontested Bills Calendar.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **S.B. 456** at 9:45 o'clock a.m. tomorrow.

#### **MEMORIAL RESOLUTION**

**S.R. 560** - By Montford: Memorial resolution for Mrs. Marshallene Read.

#### **CONGRATULATORY RESOLUTIONS**

**S.R. 561** - By Howard: Extending congratulations to Ernest Marshall.

**S.R. 562** - By Sharp: Extending congratulations to the Round Rock Rotary Club.

#### **RECESS**

On motion of Senator Mauzy, the Senate at 1:55 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

#### **APPENDIX**

Sent to Governor  
(May 4, 1983)

**S.J.R. 12**  
**S.C.R. 4**  
**S.C.R. 19**  
**S.C.R. 30**  
**S.C.R. 43**  
**S.C.R. 55**  
**S.C.R. 74**

S.B. 33  
S.B. 173  
S.B. 257  
S.B. 288  
S.B. 326  
S.B. 339  
S.B. 357  
S.B. 384  
S.B. 453  
S.B. 499  
S.B. 555  
S.B. 570  
S.B. 580  
S.B. 581  
S.B. 588  
S.B. 594  
S.B. 614  
S.B. 637  
S.B. 663  
S.B. 683  
S.B. 684  
S.B. 685  
S.B. 686  
S.B. 687  
S.B. 168  
S.B. 320  
S.B. 368  
S.B. 454  
S.B. 500  
S.B. 606

#### **SIXTY-SECOND DAY**

(Continued)

(Thursday, May 5, 1983)

#### **AFTER RECESS**

The Senate met at 8:30 o'clock a.m. and was called to order by Senator Blake.

#### **LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

**C.S.S.B. 223** (Caperton) Relating to creation of the County Court at Law of Waller County. (30-1) Washington "Nay" (31-0)

**S.B. 369** (Williams) Relating to the purchase of land for a highway right-of-way. (30-1) Washington "Nay" (31-0)

Senator Williams offered the following committee amendment to the bill:

Amend **S.B. 369** by deleting Subsection (a) of Section 1 and substituting in lieu thereof the following:

"(a) If the State Highway and Public Transportation Commission authorizes the acquisition of a right-of-way in a county or city for a United States highway, state highway, or farm-to-market road, the State Department of Highways and Public Transportation may contract with the county or city for the purchase of the right-of-way."

The committee amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 375** (Doggett) Relating to certain exceptions to the confidentiality of certain medical and other mental health records regarding a patient. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 461** (Williams) Relating to deannexation of territory within certain junior college districts. (30-1) Washington "Nay" (31-0)

**S.B. 518** (Washington) Relating to the creation of solar easement. (30-1) Washington "Nay" (31-0)

Senator Washington offered the following committee amendment to the bill:

Amend **S.B. 518** as follows:

- (1) On page 1, after line 18, by adding the following:
  - (5) "Dominant estate" means the real property that benefits from the solar easement.
  - (6) "Servient estate" means the real property burdened with the solar easement.
- (2) On page 1, by striking the existing SECTION 2 beginning on line 19 and inserting in lieu thereof the following:

SECTION 2. CREATION OF A SOLAR EASEMENT. A solar easement must be created in writing, acknowledged and recorded in the Deed Records of the County in which the servient estate is located.
- (3) On page 2, by striking the existing SECTION 4 beginning on line 2 and inserting in lieu thereof the following:

SECTION 4. INSTRUMENT CREATING A SOLAR EASEMENT.

  - (a) An instrument creating a solar easement must include:
    - (1) a legal description of the real property which constitutes the servient estate;
    - (2) a legal description of the real property which constitutes the dominant estate;
    - (3) a description of the vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the real property (servient estate) subject to the solar easement; and

(4) terms or conditions under which the solar easement is granted and may be terminated.

- (b) A restriction, easement, covenant, or condition included in a deed, contract, security instrument, or other written instrument that affects the sale or transfer of real property or an interest in real property and that effectively restricts or prohibits installation or use of a solar energy device is void. This subsection does not, however, apply to restrictions, easements, covenants, or conditions that impose reasonable restrictions on solar energy devices or that do not unreasonably decrease the efficiency of the devices or that allow an alternative device of comparable cost and efficiency.

The committee amendment was read and was adopted.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 549** (Truan) Relating to areas in which rapid transit authorities may be created. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 587** (Mauzy) Relating to the furnishing of voter registration lists by voter registrars under the Secretary of State's service program. (30-1) Washington "Nay" (31-0)

**S.B. 710** (Lyon) Relating to positions exempt from civil service in the sheriff's departments in certain counties. (30-1) Washington "Nay" (31-0)

**S.B. 803** (Brown) Relating to the powers of a temporary managing conservator and a temporary possessory conservator of a child. (30-1) Washington "Nay" (31-0)

**S.B. 838** (Lyon) Relating to conviction of a sexual offense on the testimony of a child. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 839** (Leedom) Relating to the transfer of certain cases from the district courts to the county courts at law in Dallas County. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 856** (Mauzy) Relating to the maximum punishment for violation of a municipal ordinance and criminal jurisdiction of municipal courts. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 906** (Truan) Relating to mutual assistance among cities and counties in the provision of emergency medical services. (30-1) Washington "Nay" (31-0)

**S.B. 912** (Truan) Relating to the conveyance of certain State-owned property in Kleberg County. (30-1) Washington "Nay" (31-0)

**S.B. 913** (Truan) Relating to the conveyance of certain State-owned real property in Hidalgo County. (30-1) Washington "Nay" (31-0)

**S.B. 969** (Henderson) Relating to the authority of certain counties to contract for the improvement of highways in the counties and to assess the cost of the improvements to the owners of property benefited by the improvements. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following committee amendment to the bill:

Amend **S.B. 969** on page 2, line 13 by striking the period and adding the following: " ; provided however, that any such property or properties benefited shall only include property situated within a distance of 1,000 feet from the highway improvements unless the owner of such property petitions the governing body to levy assessments for such highway improvements."

The committee amendment was read and was adopted.

Senator Henderson offered the following committee amendment to the bill:

Amend **S.B. 969** on page 2, line 24 by deleting the words "~~a political subdivision of this state~~" and inserting in lieu thereof the following: "any city, town or village" and further amend **S.B. 969** on page 2, line 26 by striking the period and adding ", if such eligible county is otherwise authorized by law to improve such highway without such consent, ratification or approval."

The committee amendment was read and was adopted.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 1019** (Truan) Relating to liability of a hospital for refusing emergency care. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1038** (Glasgow) Relating to protective clothing for fire fighters. (30-1) Washington "Nay" (31-0)

**S.B. 1110** (McFarland) Relating to the duties, functions and operations of the Legislative Council. (30-1) Washington "Nay" (31-0)

**S.B. 1137** (Brown) Relating to admission of unadjudicated offenses during sentencing for a criminal conviction. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1155** (Truan) Relating to coordination of activities of State agencies related to health care. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1192** (Farabee) Relating to establishment of a juvenile board for the 132nd Judicial District. (30-1) Washington "Nay" (31-0)

**C.S.S.B. 1197** (Washington) Relating to the appointment of boards of hospital managers of certain hospital districts. (30-1) Washington "Nay" (31-0)

**S.B. 1217** (Glasgow) Relating to the establishment and powers of a juvenile board in Denton County. (30-1) Washington "Nay" (31-0)

Senator Brown offered the following amendment to the bill:

Amend **S.B. 1217** by adding the following phrase between the caption and Section one:

"BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:"

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 1252** (Farabee) Relating to the creation of the County Court at Law Number Two of Wichita County and membership of the judge of that court on the County Juvenile Board. (30-1) Washington "Nay" (31-0)

**S.B. 1275** (Glasgow) Relating to the election of Directors of the Palo Pinto Hospital District. (30-1) Washington "Nay" (31-0)

**S.B. 1282** (Whitmire) Providing for a co-presiding judge to act in the absence or disability for any reason of the regular presiding judge. (30-1) Washington "Nay" (31-0)

**S.B. 1291** (Doggett) Relating to appointment of masters for certain courts in Travis County. (30-1) Washington "Nay" (31-0)

**S.B. 1293** (McFarland) Relating to the removal of corneal tissue from certain decedents. (30-1) Washington "Nay" (31-0)

Senator McFarland offered the following committee amendment to the bill:

Amend **S.B. 1293** by striking SECTION 1 of the bill and renumbering the subsequent sections accordingly.

The committee amendment was read and was adopted.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**S.B. 1316** (Howard) Relating to the sale of certain State property in Paris, Texas. (30-1) Washington "Nay" (31-0)

**S.B. 1338** (Farabee) Relating to electronic transmission procedures under the Administrative Procedure and Texas Register Act. (30-1) Washington "Nay" (31-0)

**S.C.R. 77** (Blake) Granting Howard Daniels, Jr., permission to sue the State of Texas. (vv)

**S.C.R. 82** (Brooks) Directing the Texas Department of Human Resources to establish a family violence advisory group to aid in development of the family violence program. (vv)

**S.C.R. 83** (Truan) Directing the Texas Department of Human Resources to conduct demonstration projects to aid family violence centers in upgrading their services. (vv)

**S.C.R. 84** (Sarpalius) Directing the Texas Department of Human Resources to implement program models designed to improve the delivery of services to victims of family violence in geographically isolated areas of State. (vv)

**S.C.R. 85** (Sarpalius) Directing the Texas Department of Human Resources to pursue activities designed to heighten public awareness of the magnitude of spouse abuse and abuse of the elderly. (vv)

**S.C.R. 86** (Sarpalius) Directing the Texas Department of Human Resources to study the feasibility of a 24-hour toll free information system for persons involved in spouse abuse or abuse of the elderly. (vv)

**S.C.R. 87** (Sarpalius) Directing the Texas Department of Human Resources to study programs for batterers. (vv)

**S.C.R. 88** (Sarpalius) Directing the Texas Commission on Law Enforcement Officer Standards and Education to organize a subject area on family violence in its training. (vv)

**S.C.R. 89** (Caperton) Directing the Governor's Criminal Justice Division to initiate continuing education programs on family violence for criminal justice professionals. (vv)

**H.C.R. 84** (Brooks) Requesting the State Board of Insurance to study the feasibility of requiring optional health insurance coverage of pregnancy-related expenses incurred by dependent minor children of policy holders. (vv)

**H.B. 46** (Farabee) Relating to execution of a directive under the Natural Death Act. (30-1) Washington "Nay" (31-0)

**H.B. 68** (Mauzy) Relating to the assignment of certain workers' compensation benefits in occupational disease cases. (30-1) Washington "Nay" (31-0)

**H.B. 94** (Caperton) Relating to the right of a possessory conservator of a child to the child's medical, dental and educational records. (30-1) Washington "Nay" (31-0)

**H.B. 99** (Mauzy) Relating to the reduction of workers' compensation death benefits because of benefits paid for prior period of incapacity. (30-1) Washington "Nay" (31-0)

**H.B. 131** (Doggett) Relating to worker's compensation funeral benefits. (30-1) Washington "Nay" (31-0)

**H.B. 176** (Caperton) Relating to jury service by persons who are physically or mentally impaired or who cannot communicate in the English language. (30-1) Washington "Nay" (31-0)

**H.B. 218** (Uribe) Relating to the compensation of the district judges in Cameron County. (30-1) Washington "Nay" (31-0)

**H.B. 266** (Washington) Relating to the appointment of guardians ad litem and attorneys ad litem in probate proceedings. (30-1) Washington "Nay" (31-0)

**H.B. 267** (Washington) Relating to compliance with a will admitted to probate as a muniment of title. (30-1) Washington "Nay" (31-0)

Senator Washington offered the following committee amendment to the bill:

Amend **H.B. 267** by striking Section 89, Page 2, lines 11 through 16 and substituting the following:

Unless waived by the court, before the 181st day, or such later day as may be extended by the court, after the date a will is admitted to probate as a Muniment of Title the applicant for probate of the will shall file with the clerk of the court a sworn affidavit stating specifically the terms of the will that have been fulfilled and the terms of the will that have been unfulfilled. Failure of the applicant for probate of the will to file such affidavit shall not otherwise effect title to property passing under the terms of the will.

The committee amendment was read and was adopted.

On motion of Senator Washington and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 276** (Blake) Relating to the persons authorized to request an autopsy. (30-1) Washington "Nay" (31-0)

**H.B. 304** (Harris) Relating to jurisdiction to enforce criminal laws in a public park or recreational facility at a water resource development project under the control of the Department of the Army. (30-1) Washington "Nay" (31-0)

**H.B. 333** (Farabee) Relating to establishment of a juvenile board for the 110th Judicial District. (30-1) Washington "Nay" (31-0)

**H.B. 373** (Uribe) Relating to the terms of court of certain district courts in Hidalgo County. (30-1) Washington "Nay" (31-0)

**H.B. 375** (Washington) Relating to the authority of the personal representative of a decedent to institute proceedings to determine heirship. (30-1) Washington "Nay" (31-0)

**H.B. 376** (Washington) Relating to the liability of certain personal representatives for attorney's fees. (30-1) Washington "Nay" (31-0)

**H.B. 502** (Uribe) Relating to the description of opiates and opium derivatives, including fentanyl, for the purposes of schedules and penalty groups in the Texas Controlled Substances Act. (30-1) Washington "Nay" (31-0)

**H.B. 553** (Sharp) Relating to sale of property of a minor by a parent without guardianship. (30-1) Washington "Nay" (31-0)

**H.B. 665** (Leedom) Relating to a transcript form for distinguishing the academic achievement of a student who has completed an advanced high school program. (30-1) Washington "Nay" (31-0)

**H.B. 797** (Henderson) Relating to exemptions from licensing requirements for insurance adjusters. (30-1) Washington "Nay" (31-0)

**H.B. 1020** (Brooks) Relating to nomination for and election to the office of county school trustee in certain counties. (30-1) Washington "Nay" (31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend **H.B. 1020** by deleting Subsection (a) of SECTION 3 and substituting the following:

SECTION 3. (a) Each position on the board of county school trustees in a county with a population of two million or more shall be filled at the general election for state and county officers to be held November 6, 1984. The initial terms of the trustees elected from commissioners precincts 2 and 4 expire December 31, 1986. The initial terms of the trustees elected from commissioners precincts 1 and 3 and of one of the trustees elected at large expire December 31, 1988. The initial terms of the remaining two trustees elected at large expire December 31, 1990. The trustees elected at large shall draw lots to determine which terms they serve.

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 1231** (Sims) Relating to correcting patents. (30-1) Washington "Nay" (31-0)

**H.B. 1255** (Blake) Relating to the powers of an electric cooperative corporation. (30-1) Washington "Nay" (31-0)

**H.B. 1341** (Henderson) Relating to compensation of members of governing boards of water control and improvement districts, fresh water supply districts, municipal utility districts, water improvement districts, drainage districts and levee improvement districts. (30-1) Washington "Nay" (31-0)

**H.B. 1346** (Traeger) Relating to regulation of the in situ recovery of tar sands. (30-1) Washington "Nay" (31-0)

**H.B. 2194** (Farabee) Relating to the power of the Railroad Commission to review and approve, for purposes of the Outer Continental Shelf Lands Act Amendments of 1978 and any other federal authorities, applications for the purchase of natural gas by public utilities subject to the authority of the Railroad Commission, and to the price paid by gas utilities to affiliated interests for certain natural gas. (30-1) Washington "Nay" (31-0)

**H.B. 2304** (Uribe) Relating to approval of bonds and taxes by the qualified voters of the Hidalgo County Drainage District No. One. (30-1) Washington "Nay" (31-0)



**BILLS AND RESOLUTION REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR**

The following bills and resolution were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
<b>H.B. 197</b>	Glasgow, Washington
<b>S.B. 855</b>	Doggett, Blake
<b>S.B. 819</b>	By author, Brooks
<b>H.C.R. 85</b>	By author, Brooks

**CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Blake in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**ADJOURNMENT**

On motion of Senator Mauzy, the Senate at 9:15 o'clock a.m. adjourned until 10:30 o'clock a.m. today.

**SIXTY-THIRD DAY**  
(Thursday, May 5, 1983)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Truan.

A quorum was announced present.

The Reverend Arturo Mariscal, Emmanuel United Methodist Church, Austin, offered the invocation as follows:

Oh God our Lord, we acknowledge Your presence in our lives and we sincerely thank You for Your love. Many are the tasks that are left unfinished. Give us wisdom, patience, and the right kind of leadership that as we move through every session we may be mindful of Your will for our lives. Help us to be real people; dealing with real issues that affect lives, and keep us for ever honest. That we may practice good judgment and kindness toward one another. In the name of the living Christ we pray. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Truan was granted leave of absence for today on account of family illness on motion of Senator Mauzy.